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INTERNATIONAL CITY MANAGERS' ASSOCIATION  
1313 EAST 60TH STREET - CHICAGO 37, ILLINOIS

Route To: \_\_\_\_\_

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### MUNICIPAL REGULATION OF LAND SUBDIVISION

What is the best procedure in regulating subdivisions and what requirements should be set up?

Most municipal officials are well aware of the need for control of land subdivision activities inside and outside the city. A rational land use policy is one which allows private development of land without speculation which in the past has proved so harmful to both the investing and taxpaying public, not to mention the cost to the municipality for the installation and upkeep of any utilities installed by the city. The regulation of subdividing activities is one of the powers needed to effectuate a master plan. This requires a state enabling act, a local ordinance, and regulations adopted by the council or the planning agency.

State Law. The city of course must have authority to regulate land subdividing. Forty-three states have passed legislation enabling some or all municipalities to adopt subdivision control regulations (see 1946 Municipal Year Book, pp. 256-61, for an analysis of state laws). State laws generally enable municipalities to provide for the control of lot sizes and street layout, to require the installation of utilities, and to require provision for open spaces and other facilities. Occasionally provision is made for control of population density.

Most state laws have reference to residential subdivision but are also applicable to industrial and commercial subdivisions. Many laws specify the city planning commission as the regulatory agency for subdivision control. In more than 20 states (see 1946 Municipal Year Book, p. 258) cities may exercise control over subdivisions from one to six miles outside the city. In states where counties may control subdivisions the city and county can work together in developing adequate controls (see Wichita regulations in supplement to this report).

City Ordinance. The second preliminary step is the enactment of an ordinance in conformance with state law. It may delegate to the planning agency the authority to regulate land subdividing. The ordinance may repeat this part of the enabling act, but if it is not mentioned in the state law the ordinance must include a definite delegation of authority. The ordinance may delegate regulatory administrative power within the broad structure of the state law or it may contain a detailed account of the necessary regulations. There is a danger that detailed regulations may hinder proper and efficient administration, because it is unlikely that any municipal ordinance can anticipate all future conditions or be flexible enough to meet all contingencies.

Therefore, it is preferable that the ordinance not go further than to indicate the more essential steps. For example, the ordinance could state that the developer or builder must submit a preliminary plan to a specified official, and require that this plan contain a map of land contours, proposed street design and lot boundaries, and a statement of the proposed land

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use and restrictions. It could also specify that when such a plan has been given tentative approval the developer can proceed to construct the necessary improvements or post a bond guaranteeing their construction. It may also state that the council, acting on the advice of city officials, must approve the final plat plan before building permits can be issued, and that the plat plan must then be recorded in the office of the county recorder of deeds. The ordinance should also authorize the planning agency to adopt regulations to carry out the ordinance.

Formulating the Regulations. The next step is the formulation by the planning commission of regulations which explain to the subdividers what is expected of them. The initial step is a public hearing which those directly affected by the regulations--real estate men, architects, landscape architects, builders, engineers, surveyors, and lending agencies--are invited to attend. The state law and city ordinance provide the framework, and the regulations may repeat many of the sections of the state law with permissive variations to meet local needs. Some cities issue pamphlets which contain the enabling act, the local ordinance, and the commission's regulations.

The regulations should specify the guiding principles governing the layout of streets, alleys, blocks, and lots. Where the master plan anticipates new subdivisions, the street pattern, the park pattern, proposed school sites, playgrounds, and drainage channels should all conform to the plan. The planning commission should coordinate the plans of the several governmental agencies concerned with schools, parks, drainage, and so on, in order that the comprehensive plan will be developed in an orderly manner. The planning commission also should require conformity to the zoning standards of the city with respect to height, use, density, and area standards. It may require that the land, with respect to drainage for instance, be of a type suitable for platting. This prevents the establishment of a subdivision in swampy land or in an area frequently flooded.

Another type of control is quantitative in nature--fixing a minimum area that may be subdivided or preventing the platting of new subdivisions unless the subdivider can adequately demonstrate a need for the proposed development. The latter--the most advanced type of control--has not been widely adopted. The method commonly used is to require the subdivider to install adequate street and utility improvements as a prerequisite to the acceptance of the plat or, in lieu of the actual improvements, to post a bond equivalent to the cost of installing the utilities (the amount to be determined by the planning commission after consultation with the proper officials). The minimum essentials of such a measure should include grading and surfacing all streets, installing water mains and sanitary sewers, and constructing all sidewalks, curbs and gutters. Other minimum requirements are adequate provision of water for fire protection and satisfactory means of sewage disposal or connection with an existing sewage system.

Indirectly, the "installation" type of control insures that subdividing will take place in accordance with need. No subdivider will invest the requisite money unless he feels certain that the demand will result in maximum utilization of the subdivision and its utilities. Nor will the banks advance the money unless reasonably certain that the subdivider is developing a project which will allow the loan to be liquidated within a reasonable length of time. This type of measure considerably reduces the extent of speculative platting of raw land undertaken in the hope of use in the future.



Cities With Comprehensive Regulations. A recent survey of the subdivision regulations in 34 cities shows that 20 cities require the subdivider to install certain improvements before plats are approved by the city. Those most frequently required are the grading and surfacing of streets; construction of sanitary sewers, sidewalks, curb and gutters; and provisions for sewage disposal (for report of survey see "Municipal Control of Subdivisions" in PUBLIC MANAGEMENT for July, 1946, pp. 205-07). In addition, at least five of these 20 cities require the developer to make provision for water mains and water supply and to set aside land for recreation purposes. These five cities are: Wichita, Kansas; Louisville and Lexington, Kentucky; Cincinnati, Ohio; and Dallas, Texas. Some cities compensate the subdivider for land set aside for park, school, and recreational purposes. In Wichita, for example, the city notifies the subdivider to set aside a certain number of acres for park purposes which the city usually acquires by condemnation proceedings. It is much cheaper for the city to acquire the raw land when land is subdivided, than to wait until improvements have been made.

Among other cities which have comprehensive subdivision regulations are: Flint, Michigan; Kansas City, Missouri; Palo Alto, California; and West Palm Beach, Florida. A number of cities are taking steps to secure authority to regulate subdivisions in outside areas, while Louisville and Cincinnati are striving for uniform rules to govern in both the city and in the county.

Reclaiming Old Subdivisions. In many cities there are acres of unused subdivisions where utilities have been installed and streets and sidewalks laid out. Where possible these areas should be reclaimed. Many of their lots, however, are poorly designed and too small, while others have inadequate utilities. Moreover, problems of ownership complicate the use of such land. Perhaps the most effective means of achieving public ownership or control is through legislation regulating the use of tax-abandoned land, either by allowing a city to exchange tax forfeited parcels for privately owned parcels of like value, or by facilitating the reversion of tax-abandoned land to the state or municipality. In many states the lack of suitable legislation precludes an adequate land acquisition program. Land use maps should be kept up to date and given wide newspaper publicity in cities where many desirable lots are already serviced with utilities and pavements. By advertising these facts, many people may be encouraged to build on such sites rather than in some outlying area.

Administrative Difficulties. An important problem of controlling subdivision activity in many cities is the prevention of ill-advised and premature approval of plats. To prevent hasty action along this line the city of Wichita utilizes a committee consisting of the streets and plats committee of the planning commission, the city engineer, fire and police chiefs, planning assistant, traffic engineer, and representatives of all utility companies in the city. This group reviews all plats before they are transmitted to the planning commission. Frequently cities have difficulty in preventing the development of inadequately sewered areas, unimproved tracts too small for adequate planning, and subdivisions too poorly laid out for successful development. In other cities there is some objection to minimum street widths, but adequate publicity and the cooperation of the local real estate board in conducting public discussion are useful in establishing the need and value of subdivision rules and regulations.

Benefits From Subdivision Regulations. Subdivision regulations do little more than establish minimum standards upon which action may be based. Such



control to be of value must be understood by the public so that the cooperation of all may be secured. The regulations must be applied in harmony with the over-all plans for municipal development, and continually revised in the light of new findings and new remedies. Subdivision controls are an aid toward securing a well laid-out and planned city; they help reduce transportation difficulties, promote community stability, and add to the attractiveness of the city. They also mean less tax delinquent land, and less investment in wasted street sewers and other utilities. On the positive side a tangible saving is secured through the dedication of streets and highways to coincide with the preconceived street pattern, which obviates the need of later condemning valuable land in order to put through needed streets. Subdividers themselves will benefit from adequate control of their activities.

More Information. Municipal officials who are drafting or revising their subdivision control regulations will find additional useful information in the excellent manual entitled "Land Subdivision" issued in 1939 by the American Society of Civil Engineers (33 West 39th Street, New York). Existing subdivision provisions throughout the United States as of six years ago are described in a book by Harold W. Lautner, "Subdivision Regulations; An Analysis of Land Subdivision Control Practices," published in 1941 by the Public Administration Service (1313 East 60th Street, Chicago).

An analysis of state laws on municipal land subdivision control in the 1946 edition of the Municipal Year Book shows the jurisdiction covered by the regulations, whether regulations are adopted by the local planning agency or by the city council, whether plats of proposed subdivisions are submitted for approval to the local planning agency or to the local governing body, and the type of requirements generally included in local regulations.

Several state planning commissions, notably in Massachusetts, Michigan, New Jersey, and New York, have published suggested subdivision control regulations; the National Bureau of Standards has prepared "Model Subdivision Regulations; A Guide for Local Planning Commissions" issued in 1936 by the National Resources Committee; and the Federal Housing Administration has published two pamphlets one entitled "Subdivision Standards" Circular No. 5, June 5, 1937, and the other entitled "Successful Subdivisions," Local Planning Bulletin No. 1, 1941.

Other municipalities, in addition to those mentioned above, that have adopted subdivision regulations include: Bakersfield, Kern County, and Sacramento, California; Miami, Florida; Ames and Mason City, Iowa; Birmingham, Lansing and Saginaw, Michigan; Wilmington, North Carolina; Ithaca and Schenectady, New York; Dayton and Painesville, Ohio; and Two Rivers, Wisconsin. The regulations of Wichita, Kansas, are reproduced as a supplement to this report.



## Subdivision Regulations of Wichita, Kansas

(These regulations, recently adopted by the Wichita City Planning Commission, are typical of the more comprehensive regulations now in effect.)

In order to promote the health, safety, convenience and general welfare of the inhabitants of Wichita and the surrounding area, the following regulations and minimum standards have been adopted by the Wichita City Planning Commission:

### 1. General:

It is suggested that each subdivider of land confer with the Commission's staff or with the City Engineer before preparing the preliminary plan in order to become thoroughly familiar with subdivision requirements and with the proposals of the official master plan affecting the territory in which the proposed subdivision lies.

### 2. Definitions:

(a) For the purpose of these regulations a subdivision of land is (1) the division of land into two or more tracts, sites or parcels any of which contain two and one-half (2½) acres or less; (2) dedication of a road, highway or street through a tract of land regardless of area, and (3) resubdivisions of land heretofore divided or platted into lots, sites, or parcels, each of which contain one acre or more or a total area of one acre.

(b) Major Street — A street shown on the Major Street Plan adopted by the City Planning Commission on January 23, 1946, or a revision thereof.

(c) Whenever the word "Commission" is used in these rules and regulations, it shall be deemed to refer to the City Planning Commission of Wichita, Kansas.

### 3. Approval of Subdivision Plats:

Any sale or contract of sale or agreement to purchase any lot or division of land either by lot description or by metes and bounds shall constitute a subdivision of land and require, prior to any sale or contract of sale or agreement to purchase and before the delivery of a deed, the submission of a plat to the Commission as required by law; provided, however, that this shall not apply to land in subdivisions previously recorded, to sales of land used or to be used for orchards, forestry or the raising of crops, in parcels of three (3) acres or more in size, upon certification by the Commission, or to the sale or exchange of small parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots.

Every subdivision of land within the City of Wichita or within unincorporated territory that is

located not more than three (3) miles from the corporate limits of the City of Wichita shall be shown upon a plat and submitted to the Commission for approval or disapproval. Any plat lying within the corporate limits of Wichita and approved by the Commission shall be submitted to the City Commissioners for approval or disapproval. Any plat lying in unincorporated territory, but within three (3) miles of the corporate limits of Wichita, and approved by the Commission shall be submitted to the Board of Commissioners of Sedgwick County for approval or disapproval. No plat shall be recorded in the office of the Recorder of Deeds and no lots shall be sold from such plat unless and until approved as hereinabove provided.

### 4. Preliminary Plan:

In seeking to subdivide land into building lots, or to dedicate streets, alleys, or land for public use, or to subdivide land into building lots, together with the dedication or reservation of public or private streets respectively, the owner shall submit ten copies of the preliminary sketch plan, preferably black-and-white prints, to the Commission before submission of the final plan. Plats containing three lots or less may be exempted from the provisions of this section.

The preliminary plan is to be drawn to a scale of not more than 100 feet to the inch, and shall show:

(a) The location of present property and section lines and lines of incorporated areas, streets, buildings, water courses and other existing features within the area to be subdivided.

(b) The proposed location and width of streets, alleys, lots, building and set-back lines and easements.

(c) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sewer or outlet are to be indicated in a general way upon the plat.

(d) The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract.

(e) The names of all adjoining subdivisions, or a description of unplatted areas and the layout of their streets.

(f) The Commission may require a contour map to be made in rough territory, especially in those locations in which the streets depart from the rec-



tangular system, or in those locations in which there is a natural drainage channel whether there are well defined banks along the stream bed or not. In such cases the contour intervals shall be not more than two feet.

(g) North point, scale and date.

(h) Plans or written and signed statements regarding the width and type of pavement, location, size, and type of sanitary sewers or other sewage disposal facilities, water mains and hydrants and other utilities, storm water drainage facilities and other proposed improvements, such as sidewalks, planting and parks, and any grading of individual lots.

Preliminary plans not containing all of the above data will not be approved by the Commission.

Approval of the preliminary plan does not constitute an acceptance of the subdivision by the Commission. One copy of the approved preliminary plan, signed by the Chairman of the Commission, shall be retained in the office of the Commission. One signed copy to be given to the subdivider.

Receipt of this signed copy is authorization for the subdivider to proceed with the preparation of plans and specifications for the minimum improvements required in Section 15 of these Rules and Regulations and with the preparation of the final plat. Prior to the construction of any improvements required in Section 15 or to the submission of any bond, the subdivider shall furnish the Commission all plans, information and data necessary for said improvements. These plans shall be examined by the Commission and will be approved if in accordance with the requirements of Section 15 of these Rules and Regulations. Following this approval, construction can be started or the amount of a bond determined.

##### 5. *Final Plat:*

The final plat on tracing cloth and four (4) prints thereof, together with copies of any deed restrictions where such are too lengthy to be shown on the plat, and three (3) prints of certified plans showing the improvements that have been constructed within the subdivision (or a bond assuring construction of said improvements in accordance with plans previously approved) shall be submitted to the Commission. Before approving the plat of all or part of a proposed subdivision, the Commission will require proof that the improvements and revisions thereof required in Section 15 have been satisfactorily completed. The Commission shall act upon the final plat within thirty (30) days after it has been submitted unless the subdivider agrees to an extension of this period.

The final plat is to be drawn at a scale of 100

feet or less to the inch from an accurate survey and on one or more sheets whose maximum dimensions are 22 inches by 34 inches. In certain unusual instances where the subdivided area is of unusual size or shape, the Commission may permit a variation in the scale or size of the final plat. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet together with all areas shown on other sheets.

The final plat shall show:

(a) The boundary lines of the area being subdivided with accurate distances and angles or bearings; also all section lines.

(a-1) The names of all adjoining subdivisions, or a description of unplatted areas and the layout of their streets.

(b) The lines of all proposed streets and alleys with their width and names.

(c) The accurate outline of any property which is offered for dedication for public use.

(d) All lot lines and an identification system for all lots and blocks.

(e) Building lines and easements for rights-of-way provided for public use, services or utilities with figures showing their dimensions.

(f) All dimensions, both linear and angular, necessary for locating boundaries of subdivisions, lots, streets, alleys, easements for building lines, and of any other areas for public or private use, the linear dimensions are to be expressed in feet and decimals of a foot.

(g) Monuments of iron pipe not less than three-fourths of an inch in diameter and two feet in length shall be placed at all street corners, and at all changes in alignment in street lines. The monuments shall be shown on the plat with the distance between them and with sufficient curve data plainly marked.

(h) Name of subdivision, points of compass, scale of plan, and name of owner or owners or the subdivider.

(i) Private restrictions and trusteeships and their periods of existence. Should such restrictions and trusteeships be of such length as to make the lettering of same on plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat and the book and page number referring to the instrument shall be added to the plat after the restrictions or trusteeship have been recorded. Plats shall contain proper acknowledgments of owners and the consent by the mortgagee to said plat and restrictions.



(j) The surveyor's certificate, which contains the description of the land included in the plat and all necessary explanations of dimensions and references to monuments to supplement the figures on the plat itself.

(k) The acknowledgment of a notary in the following form:

State of Kansas }  
County of Sedgwick } ss.

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, before me a notary public in and for said county and state came \_\_\_\_\_ to me personally known to be the same persons who executed the foregoing instrument of writing and duly acknowledged the same as their voluntary act and deed.

\_\_\_\_\_  
*Notary Public.*

My commission expires \_\_\_\_\_

(l) The certificate of the City Planning Commission in the following form:

This plat of \_\_\_\_\_ has been submitted to and considered by the City Planning Commission of the City of Wichita, Kansas, and is hereby transmitted to the Board of Commissioners of the City of Wichita, Kansas, with the recommendation that such plat be approved as proposed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_,

The City Planning Commission of  
the City of Wichita, Kansas.

By \_\_\_\_\_ President

Attest: \_\_\_\_\_ Secretary

(m) Whenever the plat lies within the corporate limits of Wichita, approval of the Board of City Commissioners in the following form:

Approved by the Board of City Commissioners  
this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
*City Clerk.*

(n) Whenever the plat lies beyond the corporate limits of Wichita, approval of the Board of County Commissioners in the following form:

Approved by the Board of County Commissioners  
this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
*County Clerk.*

(o) A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this \_\_\_\_\_ day  
of \_\_\_\_\_,

\_\_\_\_\_  
*County Clerk.*

(p) The Register of Deeds certificate in the following form:

State of Kansas }  
County of Sedgwick } ss.

This is to certify that this instrument was filed for record in the Register of Deeds office on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_, and is duly recorded.

\_\_\_\_\_  
*Register of Deeds*

\_\_\_\_\_  
*Deputy*

(q) Attorney's approval of title.

(r) Before it is recorded a certificate shall accompany the final plat, showing that all taxes due and payable shall have been paid in full.

#### 6. Relation to Adjoining Street System:

The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary by the Commission for public requirements. The width of such streets in new subdivision shall be not less than the minimum street widths established herein. The street and alley arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. In general, provisions should be made for through streets at intervals of approximately one-half ( $\frac{1}{2}$ ) mile or less. Offset streets should be avoided.

Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets.

Minor streets should approach the major streets at an angle of not less than eighty degrees or more than one hundred degrees.

The proposed street names shall be checked against duplication of street names.

#### 7. Street and Alley Width:

(a) The widths for major highways shall conform to the widths designated on the Major Street Plan, as adopted by the Commission on January 23, 1946, and to all subsequent amendments and additions thereto.

(b) The minimum width for minor streets shall be sixty (60) feet, except that in cases where the topography or special conditions make a street of less width more suitable, the Commission may waive the above requirements. When streets adjoin unsubdivided property, a half-street may be dedicated,



and whenever the subdivided property adjoins a half-street, the remainder of the street shall be dedicated.

(c) The minimum width of an alley in a residential block shall be fifteen (15) feet, but such alleys are not recommended except under unusual conditions. Alleys will be required in the rear of all business lots and shall be at least twenty (20) feet wide. A five-foot cut-off shall be made at all acute angle alley intersections. Adequate provision for off-street parking is to be made in connection with all platted business lots and in such other places where there may be such a concentration of vehicles that congestion of adjoining streets will result.

(d) Where alleys are not provided, easements of not less than seven (7) feet in width shall be provided on each side of all rear lot lines, and along side lot lines where necessary, for poles and any necessary anchors or guy poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along or across lots where necessary for the extension of main storm and sanitary sewers and other utilities, where surface drainage results in unusual conditions and requirements, and where both water and sewer lines are located in the same easement.

#### 8. *Blocks:*

(a) No block shall be longer than thirteen hundred (1300) feet between street lines.

Blocks over one thousand (1000) feet in length shall have a cross-walk near the center of the block. The right-of-way for such walks shall be not less than six (6) feet in width.

(b) In platting residential lots containing from six thousand (6000) square feet to fifteen thousand (15,000) square feet, it is recommended that the depth of the block not exceed three hundred (300) feet.

(c) Where it is desirable to subdivide a tract of land, which because of its size or location, does not permit an allotment directly related to a normal street arrangement, there may be established one or more "Places." Such a place may be in the form of a court, a dead-end street, or other arrangement; provided, however, that proper access shall be given to all lots from a dedicated place (street or court). If such a place is more than two hundred (200) feet in length, it shall terminate in an open space (preferably circular) having a minimum radius of fifty (50) feet. Except in unusual instances, no dead-end street or place shall exceed one thousand (1000) feet in length.

#### 9. *Lots:*

(a) The lot arrangement and design shall be such that they will provide satisfactory and desirable sites for buildings and be properly related to topography, to the character of surrounding development and to existing and probable future requirements.

(b) All side lines of lots shall be at right angles to straight street lines, or radial to curved street lines unless a variation to this rule will give a better street and lot plan. Lots with double frontage should be avoided.

(c) The minimum area of lots in subdivisions shall be as follows:

(1) Whenever the subdivision is located in an area affected by zoning regulations, the lot areas shall be not less than the minimum areas required in the zoning regulations.

(2) Whenever the subdivision is located within an area not affected by zoning regulations but lies within the boundaries of the probable future urban area as shown on the plan "Future Distribution of Population," the minimum lot area shall be seven thousand five hundred (7500) square feet.

(3) Whenever the subdivision is located beyond but within one-half ( $\frac{1}{2}$ ) mile of the boundaries of the probable future urban area as shown on the plan "Future Distribution of Population," the minimum lot area shall be one-half ( $\frac{1}{2}$ ) acre.

(4) Whenever the subdivision is located in the remainder of the unincorporated territory within three (3) miles of the corporate limits of Wichita, the minimum lot area shall be one (1) acre.

(d) Where corner lots rear upon lots facing the side street, the corner lots shall have extra width sufficient to permit the establishment of front building lines on both the front and the side of the lots adjoining the streets. Extra width should be provided on all corner lots irrespective of whether they rear upon lots facing the side streets.

(e) Lots on major street intersections and at all acute angle intersections which, in the opinion of the Commission, are likely to be dangerous to traffic movement shall have a radius of twenty (20) feet at the street corner. On business lots, a chord may be substituted for the circular arc.

#### 10. *Exceptions in Neighborhood Unit*

##### *Developments:*

Whenever a subdivision is developed as a modern neighborhood unit, wherein adequate park or playground area is provided, through traffic is adequately cared for, and the majority of the minor



streets are of the cul-de-sac type, the Commission may vary the requirements of Sections 7, 8 and 9 in order to allow the subdivider more freedom in the arrangement of the street and lots, but at the same time protect the convenience, health, welfare and safety of the probable future residents of the subdivision as well as the character of the surrounding property and the general welfare of the urban area. In no case, however, shall the average lot area per family requirement be less than is required in any zoning regulation applying to the property, or in the absence of any zoning regulations, the average lot area per family shall be not less than seven thousand five hundred (7500) square feet for single family residences or less than five thousand (5000) square feet per family for lots upon which residences are to be erected for more than one family.

#### 11. *Building Lines:*

Building lines shall be shown on all plats of lots intended for residential use of any character, and on commercial or industrial lots immediately adjoining residential areas. In all cases, building lines shall be not less than required by any zoning or building line regulation applying to the property. Where the subdivided area is not under zoning control, the subdivider shall establish building lines in accordance with the needs of each addition, but in no case shall such building lines be less than thirty (30) feet from the right-of-way of the street or highway upon which the lot fronts, except where all the frontage on one side of the street between two intersecting streets is to be used for commercial or industrial purposes the minimum building line shall be not less than twenty (20) feet from the right-of-way lines of the streets adjoining said commercial or industrial area. Restrictions requiring buildings to be set back to such building lines shall be shown on the plat.

Whenever the lots in a subdivision adjoin a major street shown on the Major Street Plan, as adopted by the Commission on January 23, 1946, or on any amendment or additions thereto, the building line shall be not less than thirty (30) feet from the future right-of-way line of the major street, and provisions should be made to prevent the planting of any tree or shrub between the building line and the street line.

When the subdivided area is not controlled by zoning, restrictions shall also be made and either shown on or referred to on the plat, requiring all buildings used for residential purposes to be set back not less than seven (7) feet from the side lot lines, except on corner lots, and not less than twenty-five

(25) feet from rear lot lines.

#### 12. *Character of Development:*

The Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of sub-standard buildings, control the type of structures, or the use of the lots, which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property. Deed restrictions or covenants should be included to provide for the creation of a property owners' association or board of trustees for the proper protection and maintenance of the development in the future, provided, however, that such deed restrictions or covenants shall not contain reversionary clauses wherein any lot shall return to the subdivider because of a violation thereon of the terms of the restrictions or covenants.

Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area or that are of common use or benefit which are not or cannot be satisfactorily maintained by any existing public agency, provision shall be made by trust agreement made a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of such facilities.

#### 13. *Parks, School Sites, etc.:*

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to the recommendations of the Commission in its adopted master plan or portion thereof of the City and adjoining area. Any provision for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate taxing agency.

#### 14. *Easements Along Streams:*

Whenever any stream or important surface drainage course is located in an area that is being subdivided, the subdivider shall dedicate an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage, parkway or recreational use.



## 15. Improvements:

The improvements listed below in sub-sections (a), (b), (c), (d) and (e) of this section shall be installed prior to the approval of the final plat which is prepared for recording purposes. In lieu of actual completion of such improvements, the subdivider may file with the City or County Commission, Benefit District Board, or any other legally created governing body, a surety bond to secure to the Board of City Commissioners, Board of County Commissioners, Benefit District Board, or any other legally created governing body, depending upon whether the subdivision lies within the corporate limits of Wichita or the unincorporated territory of Sedgwick County, the actual construction of such improvements in a manner satisfactory to the respective governmental agency and within a period specified by the Commission, but such period shall not exceed two (2) years. Such bond shall be in the amount and with surety and conditions satisfactory to the respective governmental agency and shall be accompanied by signed statements from the proper governmental agency that the amount of the bond is adequate to cover the cost of the improvements. Whenever no lots have been sold, the subdivider may vacate the plat prior to the time that the improvements covered by the bond are installed, and when the plat is vacated the bond shall be returned to the subdivider. However, there shall be included herein the provision that in lieu of a posting of a bond by a subdivider as specified above, the City Planning Commission may accept any bona fide agreement negotiated by the subdivider with the Board of City Commissioners, Board of County Commissioners, Benefit District Board, or any other legally created governing body.

The owner of the tract shall prepare and secure tentative approval of a final subdivision plat of the entire area and may install the above improvements only in a portion of such area, but the improvements must be installed in any portion of the area for which a final plan is approved for recording, and the owner may sell or lease or offer for sale or lease lots only in the improved portion of said property; provided, however, that trunk sewers and sewage treatment plants shall be designed and built to serve the entire area or designed and built in such a manner that they can be easily expanded, or extended, as the case may be, to serve the entire area.

### (a) BENCH MARK:

A permanent bench mark shall be accessibly placed, the location and elevation of which shall be accurately noted on the subdivision plat.

### (b) STREET IMPROVEMENTS:

All streets shall be excavated to the grade approved by the City or County Engineer, depending upon the location of the subdivision, and the roadway improved by surfacing. The minimum standards for surfacing shall be not less than the following requirements:

(1) Whenever the subdivision is located within the City of Wichita or within the probable future urban area as shown on the plan "Future Distribution of Population," the minimum width of surfacing shall be thirty (30) feet between the faces of curbs. The surfacing shall be either (a) Concrete with a minimum depth of six (6) inches; (b) a five (5) inch hot bituminous base with a one (1) inch sheet asphalt surfacing, or (c) a surfacing approved by the City Engineer as being equivalent and equally satisfactory to the (a) or (b) type of surfacing.

All street construction within the probable future urban area of Wichita as shown on the plan "Future Distribution of Population" shall conform to the standards for design and the specifications for materials and construction in Wichita. The City Engineer shall supervise the construction in all subdivisions or areas lying within the city limits of Wichita, and the County Engineer shall supervise all construction outlined in this section that is located outside of the city limits but within the probable future urban area as shown on the plan "Future Distribution of Population."

(2) Whenever the subdivision is located beyond the probable future urban area, the minimum width of surfacing shall be twenty-four (24) feet, but on each side of this surfacing there shall be an earth shoulder having a minimum width of three (3) feet. The surfacing shall be road gravel, or crushed rock, or of a sand-clay construction having a compacted thickness of four (4) inches or more. The construction of the surfacing shall be in accordance with the appropriate specifications of the County Engineer of Sedgwick County.

### (c) SIDEWALKS:

Sidewalks shall be constructed along officially designated Major Streets and along one side of minor streets whenever the subdivision is located within the future urban area as shown on the plan "Future Distribution of Population." Whenever the subdivision is located beyond the future urban area, sidewalks shall be constructed along at least one side of officially designated Major Streets where deemed essential for the public safety by the Commission.

### (d) WATER LINES:

(1) Where an approved public water supply is



reasonably accessible or procurable, the subdivider shall contract with the local water distributing agency to make the water supply available for each lot within the subdivided area. The subdivider shall also contract with the local water distributing agency for the installation, maintenance and operation of fire hydrants in accordance with the local requirements whenever the subdivision lies in the probable future urban area as shown on the plan "Future Distribution of Population."

(2) If a public water supply is not available, the subdivider shall construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot within the subdivision. The water supply system shall be constructed in accordance with the requirements and under the supervision of the City Health Department or the County Health Officer, depending upon whether the subdivision is within the corporate limits of Wichita or in unincorporated territory of Sedgwick County.

(e) SEWERS:

(1) Where a public sanitary sewer is reasonably accessible, the subdivider shall connect with such sanitary sewer and provide adequate sewer lines accessible to each lot; provided, however, that no lot in a subdivision located beyond the probable future urban area, as shown on the plan "Future Distribution of Population," shall be connected with the sewer system of the City of Wichita. Sewer connections and subdivision sewer systems shall comply with the regulations of, shall be constructed under the supervision of, and shall be approved by the City Engineer or the County Health Officer, depending upon whether the subdivision is located within the corporate limits of Wichita or in unincorporated territory of Sedgwick County. Compliance with the strictest State or County regulations is required.

(2) Where a public sanitary sewer is not reasonably accessible, but where plans for installation of sanitary sewers in the vicinity of the subdivision have been prepared and approved by the City Engineer or the County Health Officer, the subdivider shall install sewers in conformity with such plans, although a connection to an existing main may not be immediately practicable. In such cases and until such connection is made with the sewer system of the district, the use of a sewage treatment plant will

be permitted, provided such disposal facilities are constructed in accordance with the regulations and requirements of, constructed under the supervision of, and approved by either the City Engineer or the County Health Officer.

(3) Where no sewers are accessible and no plans for the immediate construction of same have been prepared, the subdivider shall either install sewer lines and a disposal system in accordance with the requirements of the preceding paragraph, or adequate provisions shall be made for the disposal of sewage by means of individual sewage disposal devices which shall meet all of the requirements of the County or State Health Departments and subject to the approval of the governing body having jurisdiction of the area where located.

(4) Adequate provision shall be made for the disposal of storm water subject to the approval of the Commission.

16. *Variations and Exceptions:*

Whenever the tract to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions, that the strict application of the requirements contained in these Regulations would result in real difficulties and substantial hardships or injustices, the Commission may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of these Regulations are preserved.

17. *Administration and Amendment:*

The Commission may, from time to time, adopt, amend and publish rules and instructions for the administration of these Regulations to the end that the public be informed and that approval of plats be expedited. These Regulations may be changed or amended by the Commission after public hearing, due notice of which shall be given as required by law.

18. *When Effective:*

These Rules and Regulations shall become effective after adoption by the Commission and certification to the Board of City Commissioners of Wichita, to the Board of County Commissioners of Sedgwick County, and to the Register of Deeds.







MANAGEMENT INFORMATION SERVICE

1313 East 60th Street, Chicago

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